

**DOCKET NO.:** MSFT-0279/148585.1  
**Application No.:** 09/892,298  
**Office Action Dated:** August 11, 2005

**PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116**

### **REMARKS**

The following Remarks are submitted in response to the Final Office Action issued on August 11, 2005 in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 2-5, 7-10, 13-15, 17, 19-22, 24-27, 30-32, and 34 remain pending in the present application as previously amended. Applicants respectfully request reconsideration and withdrawal of the final rejection of the claims, consistent with the following remarks.

Preliminarily, Applicants note that the Examiner in responding to arguments previously provided has made the assumption that certain claims were canceled in response to a valid rejection. Applicants respectfully submit that the Examiner's assumption is incorrect. Reasons for canceling such claims, or any claims for that matter, are many and varied, and can be evident or non-evident. Nevertheless, and as is standard patent practice, cancellation of such claims renders such claims as if non-existent, and accordingly any explanation for such cancellation is unnecessary. By obvious extension, any supposition of such an explanation is speculative at best, and at any rate is irrelevant.

The Examiner also notes in responding to arguments previously provided that claim 2 as amended is a combination of claims 2, 6, 12, and 16 (and also claim 11), and then remarks that such amended claim 2 is 'merely a combination of limitations' from such claims. However, Applicants respectfully point out that claims 6, 11, and 12 as filed depended directly from claim 2, and accordingly no single claim as filed contained all the features recited in claim 2 as amended. Put simply, Applicants respectfully submit that

amended claim 2 recites subject matter that has not previously been submitted for examination, and accordingly the Examiner should not dismissively discount such amended claim 2 as a 'mere' combination of previously seen limitations.

Applicants also note that the Examiner in responding to arguments previously provided has made the assumption that the lack of comment with regard to certain statements of 'well-known prior arts [sic]' should be taken as agreement on the part of Applicants with such statements. Applicants respectfully submit that the Examiner's assumption is incorrect here too. Applicants in responding to the rejections in the first Office Action did so with traversal insofar as such rejections could be applied to the claims as amended. Such traversal is to be regarded as an overall disagreement with the Examiner's rejection, including statements on what may or may not be 'well-known prior arts [sic]'. At any rate, inasmuch as the claims were amended to a new form not previously submitted for examination, the details of the Examiner's rejection were rendered moot and therefore did not require specific rebuttal as to each and every detail and statement. Finally, Applicants respectfully point out that in arguing against the rejection insofar as it might be applied to the claims as amended, Applicants at least implicitly disagreed with the details thereof including the statements on 'well-known prior arts [sic]', and that such statements were not addressed as a matter of avoiding unnecessarily creating file wrapper estoppel, and not as an acquiescence or agreement with such statements.

The Examiner has finally rejected claims 2-4, 7, 13-15, 19-21, 24, and 30-32 under 35 USC § 103(a) as being obvious over "SDMI Portable Device Specification" in view of Van Dyke (U.S. Patent No. 6,321,314) and further in view of Shear et al. (U.S. Patent No.

6,157,721). Applicants respectfully traverse the § 103(a) rejection for the reasons set forth below, among others.

As amended independent claim 2 recites a computing device that includes a digital rights management (DRM) system thereon for allowing rendering of protected digital content on the computing device. The content includes video content to be displayed on a monitor coupled to the computing device, and the computing device also includes a video section therein for receiving the content and for producing a video signal to be sent to the monitor based on the received content. The video section includes video memory for storing the received content, and the video memory is configured to be write-only except with regard to the video section.

Claim 2 also recites that the video memory is configured to be write-only with regard to rights-protected digital content allowed to be rendered by the DRM system, and that the video section further includes an authentication device for authenticating to the DRM system that the video memory is configured to be write-only except with regard to the video section. The authentication device comprises a token as obtained from an authentication entity that is to be presented to the DRM system. Thus, a manufacture who wishes to manufacture the video section must obtain the token from the authentication entity and as a condition thereof must agree to provide the video section with the video memory configured to be write-only except with regard to the video section.

Claim 19 recites the subject matter of claim 2, but in terms of the video section.

To summarize, then, the video section of claims 2 and 19 renders protected digital video content as allowed by the DRM system of the computing device. However, it is

to be appreciated that such video section includes video memory that may at least temporarily hold such video content in an unprotected form, and that a nefarious entity wishing to steal such unprotected video content may do so by reading same from the video memory of such video section. The present invention as recited in claims 2 and 19 et seq., then, prevents such stealing by requiring that the video memory be write-only and thus not readable except by the video section and with regard to protected content, and also that the video section be able to prove such features to the DRM system. In particular, claims 2 and 19 recite that:

- the video memory is configured to be write-only except with regard to the video section;
- the video memory is configured to be write-only with regard to rights-protected digital content allowed to be rendered by the DRM system; and
- the video section includes an authentication device for authenticating to the DRM system that the video memory is configured to be write-only except with regard to the video section.

As the Examiner points out, the SDMI reference discloses a computing device that allows for the controlled rendering of protected digital content. The Examiner then concedes that the SDMI reference does not disclose that such SDMI device has a video section for receiving content with a write-only memory except for such video section, as is required by claims 2 and 19. Nevertheless, the Examiner suggests that having such a video section would be necessary with regard to the SDMI device, and that such a write-only memory would be obvious based on the Van Dyke reference teaching that memory can be configured to restrict access thereto.

However, Applicants respectfully disagree, and instead point out that in point of fact, the Van Dyke reference as cited by the Examiner discloses at column 2, lines 37-38 only that “Generally, the present invention provides a method and apparatus for restricting memory access.” Such Van Dyke reference does not disclose or suggest that a video memory in a video section should be write-only except with regard to the video section, and with regard to rights-protected content allowed to be rendered by a DRM system, as is required by claims 2 and 19. Moreover, such Van Dyke reference would not even suggest such a requirement inasmuch as the Van Dyke reference is wholly unconcerned with protecting DRM-controlled digital video content in a video memory or elsewhere from being stolen in an unprotected form.

At any rate, the only justification offered by the Examiner for combining Van Dyke restricted access with the SDMI device is that ‘by restricting access to the memory, one is also restricting access to any content stored in the memory’. However, Applicants respectfully point out that such a justification cannot be anything other than wholly derived in hindsight from the specification and claims of the present application, especially inasmuch as neither the Van Dyke nor the SDMI references teach or suggest the need for restricting access to DRM-controlled digital video content resident in a video memory, and therefore is impermissible under In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, the Examiner concedes that the SDMI and Van Dyke references do not disclose use of an authentication device for authenticating to the DRM system that the video memory is configured to be write-only except with regard to the video section, as is required by claims 2 and 19. Nevertheless, the Examiner suggests that such an authentication

device would be obvious based on the Shear reference teaching use of an authentication device such as a digital signature for authenticating that a module performs as intended.

However, Applicants respectfully disagree, and instead point out that the Shear authentication device is employed only with software modules, and not hardware modules, and particularly not with any video section module or memory thereof. As with the Van Dyke reference, the Shear reference does not disclose or suggest that a video memory in a video section should be write-only except with regard to the video section, and with regard to rights-protected content allowed to be rendered by a DRM system, as is required by claims 2 and 19, and also does not disclose or suggest that such a video section should or could include an authentication device for authenticating to a DRM system that the video memory is configured to be write-only except with regard to the video section, as is also required by claims 2 and 19. In particular, while Shear does disclose a module offering a digital certificate to authenticate same to another device, Shear never discloses or even suggests that such a module is a hardware video section with a video memory configured to be write-only except with regard to the video section, as is also required by claims 2 and 19. Moreover, such Shear reference would not even suggest such a requirement inasmuch as the Shear reference is wholly unconcerned with protecting DRM-controlled digital video content in a hardware video section from being stolen in an unprotected form, and is instead concerned only with protecting digital content from attack by software modules.

At any rate, the justification offered by the Examiner for combining Shear digital signatures with Van Dyke restricted access and with the SDMI device is that 'it would allow for content providers to have better control over their digital content including legal distribution thereof/. . . '. However, and as before, Applicants respectfully point out that

such a justification cannot be anything other than wholly derived in hindsight from the specification and claims of the present application, especially inasmuch as none of the Shear, Van Dyke, and SDMI references teaches or suggests the need for restricting access to DRM-controlled digital video content resident in a video memory, and therefore is impermissible under In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). In addition, Applicants respectfully point out the present invention is not primarily concerned with legal distribution of content, but instead with protecting such content as it is being rendered and momentarily in an unprotected form.

The Examiner assumes with regard to certain prior statements of motivation and limitation rejections (whatever that may be inasmuch as claims are rejected and not limitations therein) that the lack of prior comment thereon by Applicants should be taken as agreement on the part of Applicants with such statements. Applicants respectfully submit that, as above, the Examiner's assumption is incorrect here too. Again, Applicants in responding to the rejections in the first Office Action did so with traversal insofar as such rejections could be applied to the claims as amended. Such traversal is to be regarded as an overall disagreement with the Examiner's rejection, including statements on motivation and 'limitation rejections'. At any rate, and again, inasmuch as the claims were amended to a new form not previously submitted for examination, the details of the Examiner's rejection were rendered moot and therefore did not require specific rebuttal as to each and every detail and statement. Finally, Applicants respectfully point out that in arguing against the rejection insofar as it might be applied to the claims as amended, Applicants at least implicitly disagreed with the details thereof including the statements on motivation and 'limitation

rejections’, and that such statements were not addressed as a matter of avoiding unnecessarily creating file wrapper estoppel, and not as an acquiescence or agreement with such statements.

Thus, for all of the aforementioned reasons, Applicants respectfully submit that the SDMI, Van Dyke, and Shear references cannot be combined to produce the video section and subject matter recited in claims 2 and 19. In particular, none of the references is at all concerned with protecting DRM-controlled digital video content in an unprotected form in a video memory from being stolen therefrom. Also, none of the references appreciates that with a system as set forth in claims 2 and 19, a manufacture who wishes to manufacture the video section must obtain the token from the authentication entity and as a condition thereof must agree to provide the video section with the video memory configured to be write-only except with regard to the video section, as is also required by claims 2 and 19. Accordingly, Applicants respectfully submit that the SDMI, Van Dyke, and Shear reference cannot be applied to make obvious claims 2 and 19 or any claims depending therefrom, including claims 2-4, 7, 13-15, 19-21, 24, and 30-32. Thus, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of such claims.

The Examiner has also rejected claims 5, 8, 9, 10, 17, 22, 25, 26, 27, and 34 under 35 USC § 103(a) as being obvious over the aforementioned references, and variously further in view of Oka (U.S. Patent No. 6,028,596), Bertin et al. (U.S. Patent No. 5,604,755), and Hsu et al. (U.S. Patent No. 5,982,898). Applicants respectfully traverse such other § 103(a) rejections.

Applicant respectfully submits that since independent claims 2 and 19 are unanticipated and have been shown to be non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, including such claims 5, 8, 9, 10, 17, 22, 25, 26,



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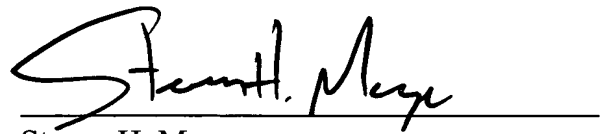
27, and 34, at least by their dependencies. Thus, Applicant respectfully requests reconsideration and withdrawal of such § 103(a) rejection.

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In view of the foregoing discussion, Applicant respectfully submits that the present application, including claims 2-5, 7-10, 13-15, 17, 19-22, 24-27, 30-32, and 34, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven H. Meyer", is written over a horizontal line.

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